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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Yu et al.

Docket No.: PF343P3C5

Application No.: 09/589,288

Confirmation No.: 1519

Filed: June 8, 2000

Art Unit: 1647

For: Methods of Treatment Using Antibodies to  
Neurokine-alpha (As Amended)

Examiner: B. E. Bunner

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

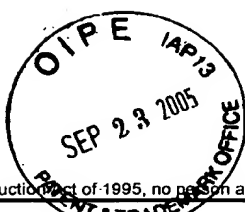
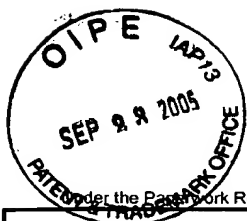
Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Agent for Applicants hereby directs the Examiner's attention to reference H1 listed on the attached Form PTO/SB/08. A copy of H1 is enclosed.

Identification of the listed reference is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed document should it be applied as references against the claims of the subject application.

The listed reference is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 C.F.R. § 1.104(a) concerning the Examiner's duty to consider and use any such information. Applicants respectfully request that the Examiner make the listed reference of record in the file history of the application, and consider the information contained therein during the prosecution of this application.

Pursuant to 37 C.F.R. § 1.97(d), since this Information Disclosure Statement is being filed after the mailing date of a Final Office Action, or a Notice of Allowance under 37 C.F.R.



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.  
Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL

### For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 180.00

#### Complete if Known

Application Number	09/589,288-Conf. #1519
Filing Date	June 8, 2000
First Named Inventor	Guo-Liang Yu
Examiner Name	B. E. Bunner
Art Unit	1647
Attorney Docket No.	PF343P3C5

#### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 08-3425 Deposit Account Name: Human Genome Sciences, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

#### FEE CALCULATION

##### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

##### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims - 20 = Extra Claims x Fee (\$) = Fee Paid (\$)

Multiple Dependent Claims  
Fee (\$) Fee Paid (\$)

Indep. Claims - 3 = Extra Claims x Fee (\$) = Fee Paid (\$)

##### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = Extra Sheets /50 Number of each additional 50 or fraction thereof (round up to a whole number) x Fee (\$) = Fee Paid (\$)

##### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement 180.00

#### SUBMITTED BY

Signature	<u>Michele Shannon</u>	Registration No. (Attorney/Agent)	47,075	Telephone	(301) 354-3930
Name (Print/Type)	Michele Shannon	Date	September 23, 2005		



PTO/SB/08a/b (08-03)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Substitute for form 1449A/B/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	09/589,288-Conf. #1519
				Filing Date	June 8, 2000
				First Named Inventor	Guo-Liang Yu
				Art Unit	1647
				Examiner Name	B. E. Bunner
Sheet	1	of	1	Attorney Docket Number	PF343P3C5

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	H1	Serono International SA's Reply filed in the European Patent Office on August 24, 2005 in conjunction with its Opposition of EP Patent No. 1146892.	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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§ 1.311, or an action that otherwise closes prosecution, but before payment of the Issue Fee, the Patent and Trademark Office will consider this Information Disclosure Statement if it is accompanied by a statement as specified in 37 C.F.R. § 1.97(e) and by the fee as specified in 37 C.F.R. § 1.17(p).

Accordingly, the undersigned certifies pursuant to 37 C.F.R. § 1.97(e)(2) that item H1 contained in the Form PTO/SB/08 submitted herewith was not cited in a communication from a foreign patent office in a counterpart foreign application more than three months prior to the filing of this Information Disclosure Statement. Moreover, to the knowledge of the undersigned, after making reasonable inquiry, item H1 contained in the Form PTO/SB/08 submitted herewith was not known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Applicants are submitting H1 to inform the United States Patent and Trademark Office of the status of Opposition Proceedings in Europe against EP Patent No. 1146892 issued to Biogen Inc. and Apoxis SA (Biogen/Apoxis) in which the claims at issue are related to the claims of the instant application. EP Patent No. 1146892 was opposed by Human Genome Sciences Inc. (HGS) and Serono International SA (Serono) in May of 2004. In March 2005, Biogen/Apoxis filed a reply to HGS' and Serono's Oppositions in the European Patent Office (EPO). Copies of EP Patent No. 1146892, HGS' and Serono's Oppositions and Biogen/Apoxis' Reply to the Oppositions were previously submitted to the United States Patent and Trademark Office in conjunction with this application on June 10, 2005. Reference H1, submitted herewith, is Serono's submission to the EPO in reply to Biogen/Apoxis' March 2005 submission to the EPO. H1 was submitted to the EPO on August 24, 2005. Applicants also provide courtesy copies of the 3 supporting documents listed as enclosures on page 31 of reference H1.

Applicants also wish to draw the Examiner's attention to HGS' Reply to Biogen/Apoxis' March 2005 submission to the EPO (HGS' Reply). HGS' Reply was filed in the EPO on September 19, 2005 with 10 new supporting documents listed as documents C16-C25 on pages 41-42 of HGS' Reply. Courtesy copies of HGS' Reply and documents C16-C25 are also provided herewith.

The Patent & Trademark Office is hereby authorized to charge our Deposit Account No. 08-3425 in the amount of \$180.00 as payment of the required fee, as itemized on the Fee Transmittal Sheet submitted concurrently herewith. The Patent & Trademark Office is also authorized to charge any additional required fee or credit any overpayment in connection with this submission to our Deposit Account No. 08-3425.

Dated: September 23, 2005

Respectfully submitted,

By Michele Shannon

Michele Shannon

Registration No.: 47,075

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KKH/MS/ba